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December 24, 2004

Via Electronic Mail and Overnight Delivery

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
Commonwealth of Massachusetts
One South Station, Second Floor
Boston, MA 02110

Re: DTE 04-33 – Notice of Assent to Withdrawal

Dear Secretary Cottrell:

Pursuant to the December 15, 2004 Procedural Order of the Department of Telecommunications and Energy ("Department"), Choice One Communications of Massachusetts Inc. ("Choice One") hereby submits its assent to withdrawal from the above-referenced docket. Choice One understands that by doing so it will no longer be a party to this proceeding.

At this time, Choice One intends to focus its attention principally on the new rules adopted (but yet to be released) by the Federal Communications Commission on December 15, 2004 in response to the remand and *vacatur* by the Court of Appeals for the D.C. Circuit of the FCC's *Triennial Review Order*.

Notwithstanding its assent to withdrawal, Choice One continues to disagree with the contention that Verizon New England, Inc., d/b/a Verizon Massachusetts ("Verizon"), may unilaterally cease provisioning unbundled network elements ("UNEs") under our interconnection agreement, and notes with some reassurance the Department's stated willingness to hold itself open as a forum to resolve any future disputes over Verizon's contractual interpretation, should such dispute arise. Procedural Order at 22. Further, Choice One does not concede that a change in law does not require an amendment to our interconnection agreement. In fact, the Department took no position on Verizon's interpretation of its interconnection agreements with CLECs in this regard. Procedural Order at 22.

Choice One requests, however, that it remain on the service list to receive the papers circulated in this proceeding. If granted, Choice One understands that its interconnection agreement with Verizon will not be bound by the proceeding's final arbitration order.

An original and nine copies of this filing are enclosed. Kindly date-stamp one copy and return it in the self-addressed, postage paid envelope provided. Please note that this filing is also being e-mailed to dte.efiling@state.ma.us.

Respectfully submitted,

/--s--/

D. Anthony Mastando

Enclosures

Cc: Active Parties (via e-mail)